

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael Kloss et al. Examiner: Kristen D. Mullen  
Serial No.: 10/087,222 Group Art Unit: 3762  
Filed: March 1, 2002 Docket: 279.287US1  
Title: THERAPY OPTIMIZATION IN HEART FAILURE PATIENTS BASED ON  
MINUTE VENTILATION PATTERNS

**COMMUNICATION CONCERNING RELATED APPLICATIONS**

Commissioner for Patents  
MS: Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants would like to bring to the Examiner's attention the following related applications in the above-identified patent application:

<u>Serial/Patent No.</u>	<u>Filing Date</u>	<u>Attorney Docket</u>	<u>Title</u>
09/657,402	September 8, 2000	279.222US1	SELF-CALIBRATING RATE-ADAPTIVE PACEMAKER
09/657,404	September 8, 2000	279.279US1	RATE-ADAPTIVE THERAPY WITH AUTOMATIC LIMITING OF MAXIMUM PACING RATE
10/839,875	May 6, 2004	279.222US2	SELF-CALIBRATING RATE-ADAPTIVE PACEMAKER

Respectfully submitted,

MICHAEL KLOSS ET AL.

By Applicants' Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(847) 432-7302

Date 10-29-04

By

J. Kevin Parker  
Reg. No. 33,024

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, MS: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27 day of October, 2004.

Paula Sucky  
Name

Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Serial No.: 10/087,222 Group Art Unit: 3762  
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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. § 1.97(b), it is believed that no fee or statement is required with the Supplemental Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Supplemental Information Disclosure Statement considered.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Serial No 10/087,222

Filing Date: March 01, 2002

Title: THERAPY OPTIMIZATION IN HEART FAILURE PATIENTS BASED ON MINUTE VENTILATION PATTERNS

Page 2  
Dkt: 279.287US1

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

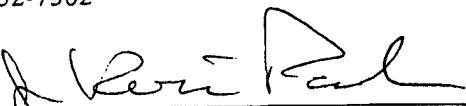
MICHAEL KLOSS ET AL.

By their Representatives,

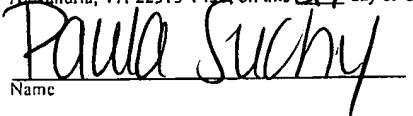
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
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Minneapolis, MN 55402  
(847) 432-7302

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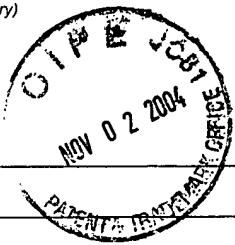
  
J. Kevin Parker  
Reg. No. 33,024

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Name

  
Signature

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
 (Use as many sheets as necessary)


Complete if Known

Application Number	10/087,222
Filing Date	March 1, 2002
First Named Inventor	Kloss, Michael
Group Art Unit	3762
Examiner Name	Mullen, Kristen

Sheet 1 of 2

Attorney Docket No: 279.287US1

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
	US-5,303,702	04/19/1994	Bonnet, J-L , et al.	607	20	12/23/1991
	US-5,376,106	12/27/1994	Stahmann, J. E., et al.	607	18	10/18/1993
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	US-6,509,588	01/21/2003	O'Phelan, Michael J., et al.	257	209	01/01/2003
	US-6,519,495	02/11/2003	Sun, W. , et al.	607	18	08/15/2000
	US-6,522,525	02/18/2003	O'Phelan, Michael J., et al.	361	509	11/03/2000
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	US-6,687,118	02/03/2004	O'Phelan, Michael J., et al.	361	508	11/03/2000
	US-6,699,265	03/02/2004	O'Phelan, Michael J., et al.	607	1	11/03/2000
	US-6,709,946	03/23/2004	O'Phelan, Michael J., et al.	438	396	11/19/2002

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T <sup>2</sup>
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**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		BENDITT, DAVID G., et al., "Sensor-Triggered, Rate-Variable Cardiac Pacing", Annals of Internal Medicine, Vol. 107, No. 5, (November 1987), 714-724	
		SUN, WEIMIN , et al., "IMPROVED RATE-ADAPTIVE THERAPY WITH AUTOMATIC LIMITING OF MAXIMUM PACING RATE", Application Serial No. 09/657,404, Filed September 8, 2000 Attorney Docket No. 279.279US1, 29 pgs.	
		SUN, WEIMIN , et al., "SELF-CALIBRATING RATE-ADAPTIVE PACEMAKER", Application Serial No. 09/657,402, Filed September 8, 2000 Attorney Docket No. 279.222US1, 30 pgs.	

EXAMINER

DATE CONSIDERED

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		<i>Complete if Known</i> <b>Application Number</b> 10/087,222 <b>Filing Date</b> March 1, 2002 <b>First Named Inventor</b> Kloss, Michael <b>Group Art Unit</b> 3762 <b>Examiner Name</b> Mullen, Kristen	
Sheet 2 of 2		Attorney Docket No: 279.287US1	

	SUN, WEIMIN , et al., "SELF-CALIBRATING RATE-ADAPTIVE PACEMAKER", Application Serial No. 10/839,875, Filed May 6, 2004 Attorney Docket No. 279.222US2, 30 pgs.	
	WEIMIN, SUN , et al., "RATE-ADAPTIVE THERAPY WITH SENSOR CROSS-CHECKING", Application Serial No. 10/364,129, Filed February 10, 2003 Attorney Docket No. 279.276US2, 20	

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EXAMINER

DATE CONSIDERED